

Applicant: Golds et al.  
Application Serial No.: 10/716,639  
Filing Date: 11/19/03  
Docket No.: 760-57 RCE/CON  
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### **REMARKS/ARGUMENTS**

Claims 26, 37, 32 and 34 have been rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,398,803 to Layne et. al. ("Layne"). In addition, the Examiner had rejected Claims 28-31 and 33 under 35 U.S.C. §103(a) as being unpatentable over Layne.

With respect to the rejection under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,398,803 to Layne et. al. ("Layne"), Applicants herewith submit a Declaration under 37 C.F.R. §1.131 establishing an earlier date of invention. Layne's U.S. earliest effective U.S. filing date is February 2, 1999, and with the enclosed Declaration accompanied by the supporting evidence, Applicants has established an earlier date of completion of the invention as claimed. Reconsideration and withdrawal of the rejection under 35 U.S.C. §102(e) with respect to the Layne reference is hereby requested.

Furthermore, the rejection under 35 U.S.C. §103(a), is likewise overcome by the filing of the Declaration under 37 C.F.R. §1.131 in accordance with MPEP 706.02(k).

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In view of the above remarks, Applicants respectfully submit that the present application, including independent claim 26 is now in condition for allowance. Since independent claims 26 distinguishes patentably over the references, dependent claims 27-34 are likewise distinguishable. Favorable action thereon is respectfully requested.

Should the Examiner have any questions with respect to the above amendments and remarks, she is respectfully requested to contact Applicants' undersigned counsel at the telephone number below.

Respectfully submitted,



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